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| 09/695,279      | 10/25/2000  | Hidehiro Matsumoto   | 00USFP543-HS        | 2056             |

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| EXAMINER |
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NGUYEN, DAVID Q

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| ART UNIT | PAPER NUMBER |
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2681

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/695,279

Applicant(s)

MATSUMOTO, HIDEHIRO

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 27-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/29/04 have been fully considered but they are not persuasive.

In response to Applicant's Remark on pages 13-14, Applicants states: "While the Examiner continues to allege that claims 1-23 and 27-29 and claims 24-26 are distinct from each other, the Examiner completely ignores one of the two requirements that the Examiner is required to meet before a restriction may be issued. In this instance, the Examiner has completely failed to allege that the search for claims 24-26 is a serious burden on the Examiner. Therefore, the Examiner has failed to present a prima facie case for a restriction requirement.

Examiner respectfully **disagrees** because during a telephone conversation with James E. Howard on 08/09/04 a provisional election was made without traverse to prosecute the invention of group I, claims 1-23 and 27-29. Affirmation of this election must be made by applicant in replying to this Office action. Group II, claims 24-26 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

In response to Applicant's Remark on pages 16-17, Applicants states: "Thus, the Examiner is clearly confused as to what a switching apparatus is, if the Examiner does not recognize that the Chang et al. reference includes a switching apparatus. Therefore, one of ordinary skill in the art would not have been motivated to modify the system disclosed by the Chang et al. reference to include something that the system disclosed by the Chang et al. reference already includes."

Examiner respectfully **disagrees** because Change et al. clearly discloses a switching apparatus (see explanation in claim 1; MSC). But Chang et al does not mention that the Chang's MSC sets a connection between the portable the portable terminal and said first wireless communication gateway server; and set another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests. However, Rasanen's reference discloses an MSC sets a connection between the portable the portable terminal and said first wireless communication gateway server; and set another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests (see col. 3, line 56 to col. 4, line 10). Examiner uses a combination of Rasanen's reference and Chang et al. reference to explain and show clearly to Applicants that an MSC for setting a connection between the portable the portable terminal and said first wireless communication gateway server; and setting another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests is well known in the art in the wireless system. That is a reason why Chang does not need to explain what an MSC does for.

In response to Applicant's Remark on page 17, Applicants argue: "Much like the convention systems described above, and in the specification of the present application at, for example, page 4, lines 2-22, a base station receives a position register signal from the portable terminal and forwards that position register signal to the switching apparatus if the position register signal from the portable terminal does not match then position reported by the base

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station. The switching apparatus converts the position register signal from the portable terminal into position information and registers that position information in a position information database. In this manner, the switching system can recognize a change in position of the portable terminal.”

Examiner respectfully **disagrees** because in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a base station receives a position register signal from the portable terminal and forwards that position register signal to the switching apparatus if the position register signal from the portable terminal does not match then position reported by the base station. The switching apparatus converts the position register signal from the portable terminal into position information and registers that position information in a position information database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's Remark on page 17, Applicants argue: “ Third, contrary to the Examiner's allegation, providing a switching apparatus does not “reduce a time required for a portable to access [an] information server and [to] reduce connection time.”

Examiner respectfully **disagrees** because in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Third, contrary to the Examiner's allegation, providing a switching apparatus does not “reduce a time required for a portable to access [an] information server and [to] reduce connection time) are not recited in the rejected claim(s). Although the claims are

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interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,8-12, 14-17,19-22 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6487406) in view of Rasanen (US Patent Number 6445924)

Regarding claims 1 and 8, Chang shows and describes a mobile wireless communication system comprising: an information server (internet 34; fig. 2); a portable terminal for carrying out a communication with the information server through a wireless communication line (see fig. 2 and col. 11, lines 7-10) and comprising a buffer memory which stores information transmitted from the information server (see fig. 1, MS or laptop comprising a memory is well known in the art); a plurality of wireless communication gateway servers (see fig. 2, BSCs 14), wherein a first of the plurality of wireless communication gateway servers is determined based on a position of the portable terminal (see col. 5, line 61 to col. 6, line 20), and comprises a buffer memory emulator (MS-BS table) which stores specification data representing a specification of the buffer memory and transmits the information from the information server to the portable terminal based on the specification data (see col. 6, lines 8-45); a switching apparatus (see fig. 2; MSC 12); a

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wireless telephone server (see fig. 2, 22 HLR) for informing the position of the portable terminal to the plurality of wireless communication gateway servers.

Chang et al. does not mention the switching apparatus for setting another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests.

However, switching apparatus for setting another connection between the portable terminal and a second wireless communication gateway server when the communication between the portable terminal and the first wireless communication gateway server congests is well known in the art (see Rasanen (US Patent Number 6445924); col. 3, line 56 to col. 4, line 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Rasanen to Chang et al. system so that the system can reduce a time required for a portable terminal to access information server and reduce connection time.

Regarding claims 2 and 9, the combination also discloses wherein the first wireless communication gateway server requests the switching apparatus to change a connection from the one connection to said another connection based on informed position (see col. 3, line 56 to col. 4, line 38 of Rasanen)

Regarding claim 3, the combination also discloses wherein the first wireless communication gateway server decides which of said plurality of wireless communication gateway servers comprises said second wireless communication gateway server (see col. 3, line 56 to col. 4, line 38 of Rasanen).

Regarding claim 4, the combination also discloses wherein the first wireless communication gateway server provides to said second wireless communication gateway server the specification data which is read from the buffer memory emulator, and wherein said second wireless communication gateway server comprises a buffer memory emulator which stores the read specification data and wherein said second wireless communication gateway transfers the information from the information server to the portable terminal based on the read specification data (see col. 5, line 60 to col. 6, line 42 and fig. 2 of Chang) .

Regarding claim 10, the combination also discloses wherein the wireless communication gateway server refers to the specification data in the buffer memory emulator to access the portable terminal through the second access point (see col. 5, line 60 to col. 6, line 42 and fig. 2 of Chang).

Regarding claims 5 and 11, the combination also shows a network connected to the first wireless communication gateway server, the second wireless communication gateway server, the switching apparatus and the wireless telephone server, wherein the first wireless communication gateway server, the second wireless communication gateway server, the switching apparatus and the wireless telephone server are capable of communicating through the network (see fig. 2 of Chang).

Regarding claims 14-16 and 19-21, the combination describes a method for operating a mobile wireless communication systems comprising storing a specification data which represents a specification of a buffer memory of a portable terminal in a buffer memory emulator of a first wireless communication gateway server when the portable terminal is connected to said first wireless communication gateway server (see explanation in claims 1 and 8); changing from one



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connection between the portable terminal and said first wireless communication gateway server to another connection between the portable terminal and a second wireless communication gateway server, when said first wireless communication gateway server has a congestion; and transferring the specification data from said first wireless communication gateway server to said second wireless communication gateway server (see explanation in claims 1 and 8); information a position of portable terminal from a wireless telephony server to said first wireless communication gateway server (see explanation in claims 1 and 8); sending a request to change from said one connection to said another connection to a switching apparatus which sets a connection for the portable terminal based on the informed position (see col. 6, lines 1-42 of Chang); wherein communication between said first wireless communication gateway server, said second wireless communication gateway sever, the switching apparatus and the wireless telephony server is through a network (see col. 6, lines 1-42 of Chang); wherein said wireless communication gateway server converts a protocol between the portable terminal and information server on a network (see fig. 2 and col. 6, lines 1-42 of Chang)

Regarding claims 6,12, 17 and 22, the combination shows wherein communication between said first wireless communication gateway server, said second wireless communication gateway server, the switching apparatus and the wireless telephone server is through the internet (see fig. 2 of Chang).

Regarding claim 27, the combination also discloses wherein the first wireless communication gateway server provides to said second wireless communication gateway server the specification data which is read from the buffer memory emulator (see col. 6, lines 1 to col. 42 of Chang et al.).

Regarding claim 28, the combination also discloses wherein said second wireless communication gateway server comprises a buffer memory emulator which stores the read specification data (see col. 6, lines 1 to col. 42 of Chang et al.).

Regarding claim 29, the combination also discloses wherein said second wireless communication gateway transfers the information from the information server to the portable terminal based on the read specification data (see col. 6, lines 1 to col. 42 and fig. 2 of Chang et al.).

3. Claims 7, 13, 18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6487406) in view of Rasanen (US Patent Number 6445924) further in view of Valentine et al. (US Patent Number 6449478).

Regarding claims 7, 13, 18 and 23, the combination does not mention a satellite network connected to the first wireless communication gateway server, the second communication wireless communication gateway server, the switching apparatus and the wireless telephone server; wherein communication between said first wireless communication gateway server, said second wireless communication gateway server, the switching apparatus and the wireless telephone server is through a satellite network. However, Valentine et al shows a satellite network connected to the first wireless communication gateway server, the second communication wireless communication gateway server, the switching apparatus and the wireless telephone server; a first wireless communication gateway server, a second wireless communication gateway server, the switching apparatus and the wireless telephone server is through the satellite network (see fig. 1 and 6). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to provide the above teaching of Valentine to the combination so that satellite network can be used in mobile wireless network.

4. Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6487406) in view of Rasanen (US Patent Number 6445924) and further in view of the admitted prior art.

Regarding claim 30, the mobile wireless communication system of Chang et al in view of Rasanen does not mention at least one of the plurality of wireless communication gateway servers converts between a wireless communication protocol with the portable terminal and a network protocol with the information server. However, the admitted prior art shows and describes at least one of the plurality of wireless communication gateway servers converts between a wireless communication protocol with the portable terminal and a network protocol with the information server (see fig. 1 and page 2, lines 9-18 of Application specification). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the admitted prior art to the system so that the system can be applied in an internet standard protocol such as HTTP protocol and TCP protocol.

Regarding claims 31-32, the mobile wireless communication system of Chang et al in view of Rasanen does not mention wherein the buffer memory emulator comprising a specification regarding the size of the buffer memory; wherein the buffer memory emulator comprises a specification regarding an amount of available memory in the buffer memory. However, the admitted prior art shows and describes the buffer memory emulator comprising a specification regarding the size of the buffer memory; wherein the buffer memory emulator

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comprises a specification regarding an amount of available memory in the buffer memory (see fig. 1 and page 3, 10-24 of Application specification). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the admitted prior art to the system so that data does not overflow the buffer memory.

Regarding claims 33-34, the mobile wireless communication system of Chang et al in view of Rasanen does not mention a position register that registers a position of the portable terminal, wherein the wireless telephony server informs the position to the plurality of wireless communication gateway servers based upon the position registered in the position register; wherein the switching apparatus registers the position of the portable terminal in the position register. However, the admitted prior art shows and describes a position register that registers a position of the portable terminal, wherein the wireless telephony server informs the position to the plurality of wireless communication gateway servers based upon the position registered in the position register; wherein the switching apparatus registers the position of the portable terminal in the position register (see fig. 1 and page 4, lines 5-22 of Application specification). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the admitted prior art to the system in order to update new position of the portable terminal.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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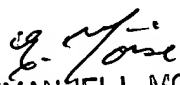
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moise Emmanuel can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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David Nguyen

  
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PRIMARY EXAMINER